

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF: KIMIHIKO NISHIOKA, ET AL.  
SERIAL NO.: 10/806,228  
ATTORNEY DOCKET NO.: 050931-0308962  
FILING DATE: March 23, 2004  
CONFIRMATION NO. 1701  
ART UNIT: 2622  
EXAMINER: CUTLER, Albert H.  
FOR: OPTICAL ELEMENTS (SUCH AS VARI-FOCAL LENS COMPONENT, VARI-FOCAL DIFFRACTIVE OPTICAL ELEMENT AND VARIABLE DECLINATION PRISM) AND ELECTRONIC IMAGE PICKUP UNIT USING OPTICAL ELEMENTS

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**RESPONSE TO NON-FINAL OFFICE ACTION WITH  
REQUEST FOR CONTINUED EXAMINER UNDER 37 CFR § 1.114**

**Mail Stop RCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action mailed March 16, 2009, the date for responding being June 16, 2009, and in conjunction with the Request for Continued Examination (RCE) and petition of 3 month extension of time filed concurrently herewith, please amend the above-identified application as follows:

**Amendments** to the claims begin on page 2 of this paper.

**Remarks/Arguments** begin on page 7.

It is believed that no extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required therefore (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 033975 (Ref. No. 050931-0308962).